

CHAPTER 74

PRIVATE PROVIDERS OF VETERANS BENEFITS SERVICES — DISCLOSURE REQUIREMENTS

H.F. 414

AN ACT requiring disclosures by private providers of veterans benefits services and including penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 35A.5, Code 2015, is amended by adding the following new subsection:
NEW SUBSECTION. 18. In coordination with the county commissions of veteran affairs, develop a written disclosure statement for use by private providers of veterans benefits services under section 546B.3. At a minimum, the written disclosure statement shall include a signature line, contact information for the department, and a statement that veterans benefits services are offered at no cost by federally chartered veteran service organizations and by county commission of veteran affairs offices, as maintained pursuant to section 35B.6.

Sec. 2. Section 546B.1, Code 2015, is amended by adding the following new subsections:
NEW SUBSECTION. 4. “*Veterans benefits services*” means services which a veteran, or a family member of a veteran, might reasonably utilize in order to obtain federal, state, or county veterans benefits.

NEW SUBSECTION. 5. “*Written disclosure statement*” means the written disclosure statement developed by the department of veterans affairs pursuant to section 35A.5, subsection 18.

Sec. 3. Section 546B.2, Code 2015, is amended by adding the following new subsection:
NEW SUBSECTION. 3. This section does not apply to the owner or personnel of any medium in which an advertisement appears or through which an advertisement is disseminated.

Sec. 4. Section 546B.3, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

546B.3 Veterans benefits services disclosure requirements — civil penalties.

1. A person who provides veterans benefits services in exchange for compensation shall provide a written disclosure statement to each client or prospective client. Before a person enters into such an agreement to provide veterans benefits services or accepts money or any other thing of value for the provision of veterans benefits services, the person must obtain the signature of the client on a written disclosure statement containing an attestation by the client that the client has read and understands the written disclosure statement.

2. A person who violates the provisions of this section is subject to a civil penalty not to exceed one thousand dollars for each violation. Civil penalties shall be assessed by the district court in an action initiated by the attorney general. For the purposes of computing the amount of each civil penalty, each service provided by the person constitutes a separate violation. Additionally, the attorney general may accept a civil penalty as determined by the attorney general in settlement of an investigation of a violation of this section regardless of whether an action has been filed pursuant to this section. Any civil penalty recovered shall be deposited in the veterans trust fund created in section 35A.13.

Approved April 24, 2015